

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17806 of 2004

DATED: 15.09.2005

Between:

The Depot Manager, APSRTC,
Hanumakonda, Warangal District.

...PETITIONER

And:

T.Ravi, S/o Shirram
and another.

...RESPONDENTS

ORDER:

The Andhra Pradesh State Road Transport Corporation through the Depot Manager, Hanumakonda, has filed the writ petition aggrieved by the award of the Labour Court, Warangal, in I.D.No.33 of 2002, dated 09.03.2004.

The first respondent herein was the driver in the petitioner-Corporation. On 16.07.1995, the first respondent herein was operating the bus on the route Hanumakonda-Husnabad and near Mulkanoor, a lady was run over under the rear left wheel of the bus driven by him. He was prosecuted in C.C.No.70 of 2000 on the file of the Judicial First Class Magistrate, Husnabad, for the offence under Section-304-A I.P.C. by the Bheemadevarapally Police. The Judicial

Magistrate of First Class, Husnabad, acquitted the first respondent herein of the offence under Section-304-A I.P.C. While so, domestic enquiry was also initiated whereat the first respondent herein was found guilty of rash and negligent driving and was imposed the penalty of stoppage of two annual increments with cumulative effect. The first respondent herein sought a reference of this disciplinary action and after appropriate reference, the matter came to be considered by the Labour Court, Warangal.

The Labour Court found that the departmental finding of the guilt of the first respondent herein was based on no evidence. There was no evidence to show that the first respondent herein was guilty of rash and negligent driving. There were no witnesses to the event of the woman being run over by the rear left wheel of the bus which was driven by the first respondent herein and the circumstances in which the lady came under the bus. There is also evidence on record of a passenger, who travelled in the bus at the relevant time, to the effect that the driver-first respondent herein proceeded to move the bus only after he was given an appropriate verbal signal by the Conductor and therefore, he acted *bona fide* and with due diligence.

This Court finds no infirmity either in the application of law, appreciation of evidence or conclusion by the Labour Court in exercise of the plenitude of its judicial discretion under Section-11 of the Industrial Disputes Act, 1947, warranting interference by this Court under Article-226 of the Constitution of India.

On the aforesaid analysis, the writ petition is dismissed. No order as to costs.

(GODA RAGHURAM, J)

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